

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HENRY CHRISTOPHER STUBBS, III,	:	CIVIL ACTION NO. 3:11-CV-452
and LARRY TOOLEY, SR.,	:	
Plaintiffs	:	(Judge Conner)
	:	
v.	:	
	:	
THE CITY OF WILKES-BARRE, PA,	:	
<i>et al.</i>,	:	
Defendants	:	

ORDER

AND NOW, this 16th day of May, 2011, upon consideration of the Report and Recommendation of United States Magistrate Judge J. Andrew Smyser (Doc. 20), recommending that the federal claims be dismissed and that the court decline to exercise supplemental jurisdiction over plaintiffs' state law claims, and, following an independent review of the record and noting that plaintiffs filed objections¹ to the report on April 25, 2011 (Doc. 23), and the court finding Judge Smyser's analysis to be thorough and well-reasoned, and the court finding plaintiffs' objections to be without merit and squarely addressed by Judge Smyser's report, it is hereby ORDERED that:

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

1. The Report and Recommendation of the magistrate judge (Doc. 20) are ADOPTED.
2. The federal claims are DISMISSED pursuant to 28 U.S.C. § 1915A and the Court declines to exercise supplemental jurisdiction over plaintiffs' state law claims.
3. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge